THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.5098 of 1999

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Dated: December 6, 2005

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Between:

B. Venkatesham, S/o. Veeraiah,

aged about 59 years, retired T.I. III.

E.28332, APSRTC, R/o.H.No.13-97,

Chinthapanduwada, Mancherial,

Adilabad District.

… Petitioner

And

The Depot Manager, APSRTC, Mancherial Depot,

Mancherial, Adilabad District, and three others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus declaring the action of the respondents in not paying to the petitioner the entire eligible gratuity amount of Rs.1,04,750-20 ps. together with interest from the date of retirement, i.e. 31-05-1997, and the Earned leave Encashment amount of Rs.56,227-20 ps. together with interest, as arbitrary, illegal, and for a consequential direction to the respondents herein to pay the amount aforesaid.

2. Heard the learned counsel for the petitioner. None appears for the respondents, nor is there any representation.

3. Learned counsel for the petitioner contended that after filing counter affidavit in this writ petition, the respondents, APSRTC, filed a suit in O.S.No.27 of 2005 on the file of the Senior Civil Judge, Asifabad, against the petitioner for recovery of an amount of Rs.1,53,891/-, alleging that in view of the words 'ALL ATTENDANT BENEFITS' added by the petitioner after the words 'CONTINUITY OF SERVICE' in the award in I.D.No.221 of 1986, they paid excess amount to him towards his salary after his reinstatement into service; the said suit is pending adjudication before the said Court.

4. Inasmuch as the suit filed by the respondents against the petitioner herein in O.S.No.27 of 2005 with certain allegations, is pending before the aforesaid Court for adjudication, no orders can be passed in this writ petition and the same is accordingly closed. No costs.

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N.V. RAMANA, J.

December 6, 2005

MRR/NSR